

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT. 15 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
GTE Telephone Operating Companies)	CC Docket No. 92-141
Tariff F.C.C. No. 1)	Transmittal No. 711

**ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES
OPPOSITION TO MOTION TO STRIKE**

The Association for Local Telecommunications Services ("ALTS"), by its undersigned counsel and pursuant to § 1.45 of the Commission's Rules, hereby respectfully submits its opposition to the Opposition and Motion to Strike filed by the GTE Telephone Operating Companies ("GTE") on October 5, 1992 in the above-captioned proceeding.

The GTE motion asks the Commission to strike from the record of this proceeding the written ex parte statement filed by ALTS on September 28, 1992. In doing so, GTE fails to cite any provision in the Commission's rules to justify the relief it requests, instead relying on the conclusory assertions that the filing was "unauthorized and untimely." GTE also apparently requests that the Commission establish a new round of pleadings in CC Docket No. 92-141 to authorize a GTE response to the ALTS filing. As ALTS discusses below, the ALTS written ex parte filing was made in full compliance with the Commission's rules of procedure. The GTE Motion constitutes a frivolous action so thoroughly devoid of merit as to constitute an abuse of process, and so should be denied.

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As the ALTS filing states on its face, it was filed in accordance with § 1.1206(a)(1) of the Commission's Rules, which expressly permits the filing of ex parte statements in non-restricted proceedings. Section 1.1206 of the Commission's rules states unequivocally that such filings are permissible and timely if submitted prior to the Sunshine Agenda period. Even a casual reading of the Commission's Rules therefore makes clear that the ALTS filing was both authorized and timely.

Moreover, GTE's request for the establishment of a new pleading cycle so that it can respond to the ALTS filing is ludicrous. In June of this year, GTE itself used the ex parte procedural vehicle to submit a detailed response to an ex parte filing submitted by another party in CC Docket No. 91-141.^{1/} GTE is fully capable of submitting a similar filing if it feels compelled to respond to the ALTS ex parte filing.

Because GTE has identified no procedural or formal flaw in the ALTS written ex parte filing -- and indeed the filing is in full compliance with the Commission's Rules -- and in light of GTE's use of precisely the same procedural vehicle to respond to another ex parte filing only four months ago, the GTE motion to strike is frivolous and merits summary denial.

^{1/} GTE's Comments On MFS' Ex Parte Submission, filed in CC Docket No. 91-141 on June 15, 1992.

For the reasons stated above, the GTE Motion to Strike must be denied.

Respectfully submitted,

/s/John C. Shapleigh
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Dated: October 15, 1992

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October 1992,
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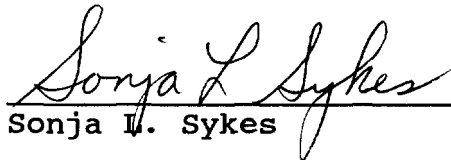
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